

U.S.S.N. 09/415,781
Filed: October 8, 1999
AMENDMENT UNDER 37 C.F.R. § 1.116

Remarks

Following entry of this amendment, this application includes claims 1, 2, 5-12, and 23.

The Office Action mailed June 10, 2004, indicates that claim 23 stands allowed and that claims 3 and 12 are objected to, but are directed to allowable subject matter and would be allowable if rewritten in independent form. Applicants filed an Amendment mailed September 3, 2004, to amend the claims to limit them to the subject matter deemed allowable. The Advisory Action mailed September 24, 2004, indicates that the amendment mailed September 3, 2004, would not be entered because the amendment to claim 1 would raise a new issue under 35 U.S.C. § 112, second paragraph, with respect to claim 4. In discussion with the undersigned on October 22, 2004, the Examiner indicated that cancellation of claim 4 would moot the §112 issue. The Examiner, however, further indicated that, upon reconsideration, claims 12 and 23 are no longer considered allowable over the prior art. The Examiner agreed that incorporating the limitation added to claim 1 to claims 12 and 23 would place the application in condition for allowance.

Amendments to the Claims

Claims 1, 12, and 23 have been amended to incorporate the limitations of claim 3, which was deemed to be directed to subject matter allowable over the prior art. Claims 3 and 4 have been canceled, along with claims 13-22, 24, and 25.

Double Patenting Rejection

Claims 13-20, 24, and 25 were rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1-25 of U.S. Application No. 09/415,466.

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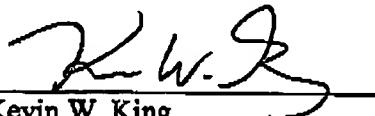
The rejection is respectfully traversed, as it is moot in view of the present amendment canceling claims 13-20, 24, and 25.

Rejection under 35 U.S.C. § 102

Claims 1, 2, 4-11, 13-22, 24, and 25 were rejected under 35 U.S.C. § 102(e) as disclosed by U.S. Patent No. 6,291,094 to Yoshimura. The rejection is respectfully traversed, as it is moot in view of the present amendment.

Allowance of claims 1, 2, 5-12, and 23 is earnestly solicited.

Respectfully submitted,



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